

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: DePUY ORTHOPAEDICS, INC., ASR HIP IMPLANT  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2197

**TRANSFER ORDER**

**Before the Panel:**\* Pursuant to Panel Rule 7.1, plaintiffs in six actions listed on Schedule A move to vacate our orders that conditionally transferred their respective actions to MDL No. 2197. Defendants DePuy Orthopaedics, Inc.; Johnson & Johnson; and other defendants appearing in one or more actions<sup>1</sup> oppose the motions.

After considering all arguments of counsel, we find these actions involve common questions of fact with the actions previously transferred to MDL No. 2197, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Moreover, transfer is warranted for reasons set out in our order directing centralization. In that order, we held that the Northern District of Ohio was an appropriate Section 1407 forum for actions sharing factual questions arising from alleged injuries from DePuy's recalled ASR XL Acetabular Hip System. *See In re DePuy Orthopaedics, Inc., ASR Hip Implant Prods. Liab. Litig.*, 753 F.Supp. 2d 1378 (J.P.M.L. 2010). These actions all involve injuries from implantation of DePuy ASR hip implants, and clearly fall within the MDL's ambit.

None of the plaintiffs dispute that their actions share questions of fact concerning ASR hip implants with actions pending in MDL No. 2197. Plaintiffs instead base their arguments against transfer primarily on the pendency of motions to remand their respective actions to state court. Plaintiffs in these actions can present their motions for remand to the transferee judge.<sup>2</sup> *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F.Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

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\* Judge John G. Heyburn II took no part in the decision of this matter.

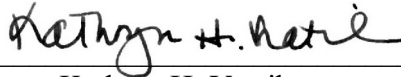
<sup>1</sup> DePuy, Inc.; DePuy International; Johnson & Johnson Services, Inc.; Johnson & Johnson International, Inc.; Commonwealth Surgical Solutions; Tim Hughes; Niagara Frontier Orthopaedic Supplies, LLC; Northside Hospital, Inc.; Jewitt Perkins; Simpson and Assocs.; and Mark Starring & Assocs.

<sup>2</sup> Panel Rule 2.1(d) expressly provides that the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court wishing to rule upon the remand motion generally has adequate time in which to do so.

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IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, these actions are transferred to the Northern District of Ohio and, with the consent of that court, assigned to the Honorable David A. Katz for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, appearing to read "Kathryn H. Vratil", is positioned above a horizontal line.

Kathryn H. Vratil  
Acting Chairman

W. Royal Furgeson, Jr.  
Paul J. Barbadoro  
Charles R. Breyer

Barbara S. Jones  
Marjorie O. Rendell

**IN RE: DePUY ORTHOPAEDICS, INC., ASR HIP IMPLANT  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2197

**SCHEDULE A**

Northern District of Georgia

Michael Crane, et al. v. DePuy Orthopaedics, Inc., et al., C.A. No. 1:11-04105

Eastern District of Louisiana

Charles Williams, et al. v. Mark Starring and Associates, Inc., et al., C.A. No. 2:11-02855

District of Minnesota

Linda Anderson, et al. v. Simpson and Associates, Inc., et al., C.A. No. 0:11-03554

Southern District of Mississippi

Alton Walker v. Depuy Orthopaedics, Inc., et al., C.A. No. 3:11-00716

Western District of New York

Paul Stuhlmiller, et al. v. DePuy Orthopaedics, Inc., et al., C.A. No. 1:11-00958

Eastern District of Virginia

Anne M. Dickerson v. DePuy Orthopaedics, Inc., et al., C.A. No. 3:11-00853